



Senate Fiscal Agency
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BILL ANALYSIS

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Senate Bill 540 (as introduced 5-25-07)
Sponsor: Senator Ron Jelinek
Committee: Judiciary

Date Completed: 7-16-07

CONTENT

The bill would amend the Michigan Penal Code to prohibit a person from entering or remaining without lawful authority on another person's farm property without consent of the owner, and specifies that a request to leave those premises would not be a necessary element of that violation.

The Code currently prohibits both of the following:

- Willfully entering upon another person's land or premises without lawful authority after having been forbidden to do so by the owner or occupant or his or her agent.
- Remaining without lawful authority on another person's land or premises after being notified to leave by the owner or occupant or his or her agent.

A violation is a misdemeanor punishable by up to 30 days' imprisonment and/or a maximum fine of \$50.

The bill also would prohibit a person from willfully entering or remaining without lawful authority on another person's fenced or posted farm property without the consent of the owner or his or her lessee or agent. A request to leave the premises would not be a necessary element for a violation of the prohibition. This provision would not apply to a person who was in the process of attempting, by the most direct route, to contact the owner, lessee, or agent to request consent. The proposed prohibition would be punishable by the same penalty as the current trespassing violations.

MCL 750.552

Legislative Analyst: Patrick Affholter

FISCAL IMPACT

The bill would have an indeterminate fiscal impact on local government. There are no data to indicate how many offenders would be convicted of the proposed offense. To the extent that the bill would increase convictions, local governments would incur increased costs of misdemeanor probation and incarceration in local facilities, which vary by county. Additional penal fine revenue would benefit public libraries.

Fiscal Analyst: Lindsay Hollander

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